

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JEFFREY FINK,

Plaintiff

V.

SUN LIFE INSURANCE AND ANNUITY
COMPANY OF NEW YORK, SUN LIFE
ASSURANCE COMPANY OF AMERICA,
AND PROSKAUER ROSE LLP LONG
TERM DISABILITY PLAN,

Defendants

CIVIL ACTION NO. 05-10001-RWZ

MOTION TO AMEND COMPLAINT

Pursuant to F.R.C.P. 15(a), Jeffrey Fink (“Mr. Fink” or “Plaintiff”) moves to amend his Complaint to describe recent events between the parties to this matter. As grounds for this Motion, the Plaintiff states the following:

- (1) This is the Plaintiff’s first time amending his Complaint;
- (2) Responsive pleadings have not been served in this matter, and thus, pursuant to Rule 15(a), the Plaintiff is entitled to amend his Complaint once as a matter of course;
- (3) The amendments to the Complaint seek to reflect recent activity between the parties;
- (4) The Plaintiff is in the process of serving Defendant Proskauer Rose LLP Group Long Term Disability Plan;

(5) The Plaintiff has informed counsel for Sun Life Insurance and Annuity Company of New York and Sun Life Assurance Company of America that the Plaintiff is amending his complaint and has explained the purpose of the amendment ; and

(6) The amendment will not prejudice the Defendants.

WHEREFORE, the Plaintiff respectfully requests that this Motion be granted.

Plaintiff,

JEFFREY FINK,

By his attorney,

/s/ Mala M. Rafik
Mala M. Rafik
BBO No. 638075
ROSENFELD & RAFIK, P.C.
44 School Street, Suite 410
Boston, MA 02108
(617) 723-7470

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 12th day of April, 2005, one copy of the above document was delivered via electronic mail, to counsel for the Defendants.

/s/ Mala M. Rafik
Mala M. Rafik, Esq.